

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY L. RAIZ, CHRISTOPHER A. EVANS, LOUIS AMADIO
and AARON B. TINLING

Appeal No. 2006-0538
Application No. 09/827,957

ON BRIEF

MAILED

FEB 23 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before THOMAS, HAIRSTON and SAADAT, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 20. Representative claim 1 is reproduced below:

1. A method for displaying a focus state of a user interface element in a graphical user interface of a computing system, the method comprising:

testing whether a control state of the user interface element is a disabled state or an active state;

if the control state is the active state, detecting if the user interface element is in a focus state;

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if the user interface element is in the active state and in the focus state, building a merged state indicating the user interface element is in the active state and in the focus state; and

rendering based on the merged state a display of the user interface element in the active state with a focus state indicator.

The following reference is relied on by the examiner:

Rock et al. (Rock) 6,039,047 Mar. 21, 2000

Claims 1 through 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rock.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief (no reply brief has been filed) for appellants' positions, and to the answer for the examiner's positions.

OPINION

Essentially for the general reasons set forth by the examiner in the answer as amplified here, we sustain the rejection of claims 1 through 20 under 35 U.S.C. § 102.

Independent claims 1, 7, 11, 17 and 20 are presented for consideration. Appellants' brief presents no arguments with respect to any dependent claim on appeal. Each of the independent claims basically sets forth two separate testing or logical decision making operations with respect to two separate

display states for a user interface element. Independent claims 7, 11, 17 and 20 further recite that a so-called theme be associated with a focus state and/or an operative state.

We do not agree with appellants' apparent basic views that figure 5 of Rock does not show testing operations for whether a control is in an active or disabled state AND further testing of the focus state of the control. It appears to us from figure 5 that a control may either be in an active or disabled state in association with the cursor being over or away from a particular control region as logically reflected in decision blocks 520 and 550. Correspondingly, each of those also have additional, second logical requirements which are reflected in region 530 and 550 which determine whether a particular control region or all control regions of a tool bar are dimmed or undimmed. The left side of the figure appears to be much more logically explicit indicating an active state of a cursor where it is over a control region plus an active focus determination of an undimmed state, thus fulfilling the additional requirements of the independent claims of the merging or combined logical operation. The result of this combined state is therefore rendered or otherwise displayed according to Rock's teachings in the requirements of the independent claims on appeal.

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In is believed that these remarks better state the examiner's views at pages 8-9 in the responsive arguments portion of the answer. There is no reply brief traversing them.

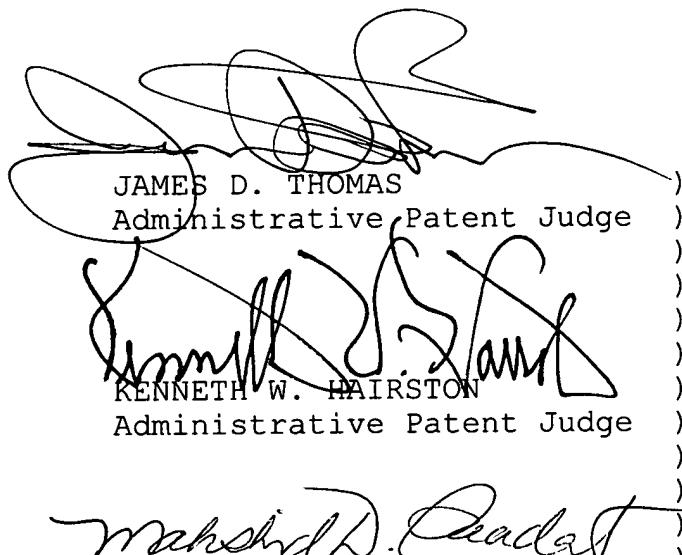
Lastly, it is noted that the discussions with respect to alternative embodiments at columns 4 through 6 of Rock clearly relate to teachings associated with different themes of the respective control and focus states either individually or collectively. This portion of Rock clearly indicates that a theme or overall visual appearance may be changed based upon font or color or size changes, etc. The paragraph bridging columns 4 and 5 of Rock indicate that one or more of the preferred embodiments may be used in combination and that the particular appearance controlling features of the control regions may be individually or collectively changed in appearance. In view of these latter teachings, the toolbar 40 as a whole and/or individual regions within this toolbar are individually controllable with respect to the logic in figure 5.

In view of the foregoing, the decision of the examiner rejecting claims 1 through 20 under 35 U.S.C. § 102 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge)
KENNETH W. HAIRSTON
Administrative Patent Judge)
MAHSHID D. SAADAT
Administrative Patent Judge)

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